



CITY OF LODI

COUNCIL COMMUNICATION

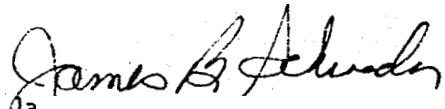
AGENDA TITLE: Appeal of Fazal E. and Asman P. Khan of a Building Inspection Order to Abate an Attached Garage Which Has Been Converted to a Living Unit Without Permits or Inspections at 317 Hilborn Street

MEETING DATE: June 5, 1991

PREPARED BY: Community Development Director

RECOMMENDED ACTION: that the City Council set a Public Hearing for 7:30 p.m., Wednesday, July 3, 1991 to consider the appeal of Fazal E. and Asman P. Khan of a Building Inspector's order to abate an attached garage which had been converted to a living unit without permits or inspection at 317 Hilborn Street.

FUNDING: None required.


James B. Schuler
Community Development Director

JBS/cg

Attachment

APPROVED: 

THOMAS A. SELTZER

City Manager



CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNINO
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

May 17, 1991

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE

Fazal E & A P Khan
317 E Hilborn St
Lodi, CA 95240

Case Number: 910060

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as **follows:** Assessor Parcel No. 047-193-25. Said property is more commonly known as 317 East Hilborn Street, Lodi, San Joaquin County, California.

As the property owner, you are hereby notified that the undersigned Building Official of the City **of Lodi** has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for **by** Section 202 et seq of the Housing Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On ~~May~~ 17, 1991 the Building Official caused said property to be inspected. The **following** violations were discovered:

1. Finding: The detached garage at the north end of the property, adjacent to the alley, has been added to and converted to a living unit without permits or inspections.

Khan (C910060)
May 17, 1997
page 2

This existing condition is in direct violation of Section 1001 (f), of the Housing Code of the City of Lodi which reads:

(n) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

This existing condition ~~is~~ in direct violation of Section 301.(a) of the Building Code of the City of Lodi which reads:

(a) Permits Required. Except ~~as~~ specified in Subsection (b) of this section, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

DETERMINATION

As a result of the foregoing violations, the undersigned Building Official has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

(a) The structure on the property in question shall be returned to its original use to the extent that it meets or exceeds the standards in the appropriate Code requirement listed above.

(b) The structure on the property in question shall be vacated until further notice of the Building Official. Vacation must be accomplished by June 17, 1991.

Appropriate building, plumbing, mechanical, electrical, demolition, or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

All repair and/or demolition work required herein shall begin within 60 days of the date of this Notice and shall be completed within 90 days of the date of this Notice.

In all cases, the required work is subject to the inspection and final approval of the Building Official.

Khan (910060)
May 17, 1991
Page 3

ORDER TO ABATE

Pursuant to Section 201 of the Housing Code of the City of Lodi, this Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the times determined above.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 1201 et seq of said Housing Code. The appeal should be in writing and submitted to the City Council, in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within 30 days of the date of this Notice.

FAILURE TO COMPLY

In the event of your failure to comply with the requirements set forth above, the following may apply:

1. A citation shall be issued.
2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office.


JAMES H. SIEMERS
Code Enforcement Officer

cc: Chief Building Inspector
City Attorney
Fire Marshall
Melissa Rivera, tenant, 317 1/2 E Hilborn St., Lodi, CA 95240

P 798 399 842



Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	
Asman P. Khan	
Street & No.	
317 Hilborn	
PO, State & ZIP Code	
Lodi, CA 95240	
Postage	\$0.29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.00
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$2.29
Postmark or Date	
6/10/91	

PS Form 3800, June 1990

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

3. Article Addressed to:

Asman P. Khan
317 Hilborn
Lodi, CA 95240

4a. Article Number

P 798 399 842

4b. Service Type

- | | |
|--|---|
| <input checked="" type="checkbox"/> Registered | <input checked="" type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input checked="" type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

6/10/91

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee)

ASMAN KHAN

Signature (Agent)

27 6/13/91

Form 3811, October 1990

U.S. GPO: 1990-273-651

DOMESTIC RETURN RECEIPT

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

May 20, 1991

RECEIVED

1991 MAY 22 AM 11:06

ALICE M. REINICHE

CITY CLERK

Dear Lodi City Council,

This letter is an appeal to the notice and order to abate for the property located at 317 Hillborn. Case # 910060.

The detached garage was already a one-bedroom apartment when we purchased this property in April, 1979. Nothing was in the deed that indicated that it was done without permits.

Recently, we did a little remodeling, new carpet + bathroom fixtures.

In the past 12 years it was as it is. We feel it is safe and will pay to have it inspected and OK'd.

Thankyou,

ASMAN P KHAN

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
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JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

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THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

May 17, 1991

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE

Fazal E & A P Khan
317 E Hilborn St
Lodi, CA 95240

Case Number: 910060

NOTICE OF PUBLIC NUISANCE

Public records indicate that **you** are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as **follows**: Assessor Parcel No. 047-193-25. Said property is more commonly known as 317 East Hilborn Street; Lodi, San Joaquin County, California.

As the property owner, **you** are hereby notified that the undersigned Building Official of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 202 et seq of the Housing Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On **May** 17, 1991 the Building Official caused said property to be inspected. The following violations were discovered:

1. Finding: The detached garage at the north end **of** the property, adjacent to the alley, has been added to and converted to a living unit without permits or inspections.

This existing condition is in direct violation of Section 1001 (f), of the Housing Code of the City of Lodi which reads:

(n) **Improper Occupancy.** All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

This existing condition is in direct violation of Section 301.(a) of the Building Code of the City of Lodi which reads:

(a) **Permits Required.** Except as specified in Subsection (b) of this section, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

DETERMINATION

As a result of the foregoing violations, the undersigned Building Official has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

(a) The structure on the property in question shall be returned to its original use to the extent that it meets or exceeds the standards in the appropriate Code requirement listed above.

(b) The structure on the property in question shall be vacated until further notice of the Building Official. Vacation must be accomplished by June 17, 1991.

Appropriate building, plumbing, mechanical, electrical, demolition, or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

All repair and/or demolition work required herein shall begin within 60 days of the date of this Notice and shall be completed within 90 days of the date of this Notice.

In all cases, the required work is subject to the inspection and final approval of the Building Official.

Khan (910060)
May 17, 1991
Page 3

ORDER TO ABATE

Pursuant to Section 201 of the Housing Code of the City of Lodi, this Notice constitutes an ORDER to you, the owner of the property in question, TO **ABATE** the substandard conditions listed herein in a manner and within the times determined above.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 1201 et seq of said Housing Code. The appeal should be in writing and submitted to the City Council, in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within 30 days of the date of this Notice.

FAILURE TO COMPLY

In the event of your failure to comply with the requirements set forth above, the following may apply:

1. A citation shall be issued.
2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation **continues**.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or **by** both such fine and imprisonment **for** each violation.

Should you require additional information, please contact this **office**.


JAMES H. SIEMERS
Code Enforcement Officer

cc: Chief Building Inspector
City Attorney
Fire Marshall
Melissa Rivera, tenant, 317 1/2 E Hilborn St., Lodi, CA 95240

CITY COUNCIL

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City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

May 17, 1991

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE
AND
ORDER TO ABATE

Fazal E & A P Khan
317 E Hilborn St
Lodi, CA 95240

Case Number: 910060

NOTICE OF PUBLIC NUISANCE

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As the property owner, you are hereby notified that the undersigned Building Official of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 202 et seq of the Housing Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On May 27, 1991 the Building Official caused said property to be inspected. The following violations were discovered:

1. Finding: The detached garage at the north end of the property, adjacent to the alley, has been added to and converted to a living unit without permits or inspections.

Khan (C910060)
May 17, 1997
page 2

This existing condition is in direct violation of Section 1001 (f), of the Housing Code of the City of Lodi which reads:

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DETERMINATION

As a result of the foregoing violations, the undersigned Building Official has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

(a) The structure on the property in question shall be returned to its original use to the extent that it meets or exceeds the standards in the appropriate Code requirement listed above.

(b) The structure on the property in question shall be vacated until further notice of the Building Official. Vacation must be accomplished by June 17, 1991.

Appropriate building, plumbing, mechanical, electrical, demolition, or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

All repair and/or demolition work required herein shall begin within 60 days of the date of this Notice and shall be completed within 90 days of the date of this Notice.

In all cases, the required work is subject to the inspection and final approval of the Building Official.

Khan (910060)
May 17, 1991
Page 3

ORDER TO ABATE

Pursuant to Section 201 of the Housing Code of the City of Lodi, this Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the times determined above.

APPEAL

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Should you require additional information, please contact this office.


JAMES H. SIEMERS
Code Enforcement Officer

cc: Chief Building Inspector
City Attorney
Fire Marshall
Melissa Rivera, tenant, 317 1/2 E Hilborn St., Lodi, CA 95240

DECLARATION OF MAILING

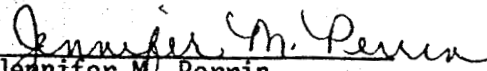
On June 10, 1991 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There *is* a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I decl: under penalty of perjury that the foregoing is true and correct.

Execute n June 16, 1991, at Lodi, California.

Alice M. Reimche
City Clerk



Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI

CARNEGIE FORUM

305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: July 3, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk
Telephone: 333-6702

NOTICE OF PUBLIC HEARING

July 3, 1991

NOTICE IS HEREBY **GIVEN** that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) **appeal received from Asman P. Khan regarding Notice of Public Nuisance and Order to Abate issued by James H. Siemers, Code Enforcement Officer, Community Development Department, for the property located at 317 Hilborn.**

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

for Alice M. Reimche
City Clerk

Dated: June 5, 1991

Approved as to form:

Bobby W. McNatt
City Attorney

**ASMAN P. KHAN APPEAL
MAILING LIST
EXHIBIT B**

Asman P. Khan
317 Hilborn
Lodi, CA 95240
(Certified Mail
Return Receipt Requested)

Jim Schroeder
Community Development Director

Jim Siemers
Code Enforcement Officer